

**PUBLIC HEARINGS – HEARING OFFICER STATEMENT  
CARLSBAD, NM  
JUNE 15, 2017**

Regarding Proposed Rule to List the Texas hornshell as endangered under the Endangered Species Act of 1973, as amended.

**Hearing Officers Statement**

Please begin to take your seats and mute your cell phones...

bathrooms are >

in the case of an emergency the exits are >

**[to the reporter ] We are now on the record.**

**Good evening.** On behalf of the United States Fish and Wildlife Service, I welcome you to this public hearing regarding the proposed rule to list the Texas hornshell as endangered under the Endangered Species Act.

My name is George Dennis, U.S. Fish and Wildlife Service's Southwest Region. I will be serving as the Presiding Official for this hearing. My role is to conduct this hearing in order that we receive your comments accurately into the record. I am not involved in a decision-making role regarding the issue at hand today.

We would like to recognize...[Introduce any elected officials or their staff here  
—]

The following representatives from the U.S. Fish and Wildlife Service are also in attendance today:

**Carlsbad, NM**

Charrish Stevens  
Ernesto Reyes  
Debra Hill  
Vicky Ryan  
Mark Horner  
Ron Maes  
Kano Williams  
George Dennis  
Ted Koch  
Shawn Sartorius  
Lesli Gray  
Frank Weaver  
Andy Devolder  
Anthony Diaz

Also assisting with this hearing are:

**Kathy Townsend** Court Reporter from Albuquerque, New Mexico.

You also will find information tables located in the back (along the sides) of this room with written and display materials about this proposal.

At this point I'd like to introduce Ted Koch, Assistant Regional Director, Ecological Services for the Southwest Region, who will make a brief statement about the proposed rule to list the Texas hornshell under the ESA.

[Ted reads opening statement]

Thank you, Ted. This is a public hearing under Section 4 of the federal Endangered Species Act. Notice of the public hearings was published in the *Federal Register* on August 10, 2016, starting on page 52796.

We will accept comments and information on this proposal until June 29, 2017, (either received by or postmarked on that date). After review and consideration of your comments and all other information gathered during this and other comment periods, the Service will make a final determination.

The purpose of this hearing is to receive your comments on the proposal.

Comments on all aspects of the proposal are very important and will be carefully considered. Because of the importance of your comments, it is necessary that we follow certain procedures here this evening.

- If you want to present comments at this hearing, please go to the registration table outside of this room and sign up.

- When you register, indicate any organization that you are representing in your comments today.
- When you are called to present your comments, please come forward to the microphone in front. Please begin your presentation by stating your full name, spell it for the record, and indicate if you represent an organization.
- If you are reading your comments, please take care to read them slowly enough for the court reporter to understand. Also, if possible, the reporter would appreciate a copy of the comments you read.
- This is an informal hearing, and therefore you will not be questioned in connection with your comments. Your comments or questions are being recorded by the reporter to preserve them for the record.
- If you are called to speak and choose not to speak or provide short remarks, you may **not** yield your time to another speaker.
- Because the purpose of the hearing is to receive your comments, we will presume any questions are for the record. The agency's formal response to questions and issues raised during the comment period, including at this hearing, will be published in the final rule. We will not respond to questions at this hearing.
- Please keep in mind that the reporter will not record any statements from the audience or any statements which are made to the audience.

- Comments must be made directly into the microphone, facing the front of the room.
- We ask that you treat each speaker with respect and refrain from making comments from the audience whether you agree or not with their statements.
- Out of respect for presenters, we ask that you please refrain from photographing individuals as they present their comments.

Instead of presenting oral comments here today, or in addition to oral comments, you may submit comments in writing. Written comments may be submitted to the staff at the registration table, or they may be submitted electronically or as a hard copy. Information on how to submit the comments is available on the back table.

*Public informational sessions and public hearings:* In addition to today's hearing, we held a public meeting and hearing on June 13, in Laredo, TX.

This information is also available at the registration table outside this room. Written comments will be given the same consideration as oral comments presented here.

At this point we are ready for our first speaker. Mr/Ms \_\_\_\_\_. Please come to the microphone, state your name and spell it for the record, identify who

you represent, and begin your comments. Mr/Ms \_\_\_\_\_to be followed  
by Mr/Ms \_\_\_\_\_.

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**CLOSING THE HEARING** It is now (XX p.m.). On behalf of the U.S. Fish  
and Wildlife Service, we appreciate the time and effort you took this evening to  
present your comments. They have been very informative and will be fully  
considered in coming to a final decision.

Again, as a reminder, written comments may be submitted to the staff at the  
registration table, or they may be submitted by June 29, 2017.

The hearing is closed. I show the time to be X:XX p.m.

***[to the reporter]*** “We are off the record.”

**Or**

***[if necessary]*** “At this time we will take a \_\_\_\_ minute break. We are off the  
record.” ... and then... “We will reconvene the hearing now. We are on the  
record.”]

**Or**

**[Reconvene]:** “(To the reporter) We are on the record. Due to the number of  
registered speakers we have not had time to hear, we have made arrangements with  
the court reporter to extend the hearing until we hear testimony from speakers

registered earlier this evening - or until \_\_\_\_\_ p.m. Our next two speakers will be .....

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## **CONDITIONAL STATEMENTS - TO BE READ IF CIRCUMSTANCES**

### **ARISE**

**[NOTE: read only if need is predetermined]**: “Because of the large number of people who have registered, it is necessary to ask that you please keep your comments to **[X]** minutes or less so that everyone who wants to present testimony will have an opportunity to speak. At the end of **[X]** minutes, I will ask the speaker to summarize their comments. If that is not a sufficient amount of time, please submit the remainder of your comments to the Service in writing.”]

**[determine need/ability to extend the hearing]** “This hearing was scheduled to end at **XX p.m.**; however, due to large number of registered speakers, we will take a 5 minute break to determine if we can extend the hearing . We will reconvene at \_\_\_\_\_. (***To the reporter***) We are off the record.”

**-Or-**

Due to the number of individuals that have registered to speak, we have made arrangements with the facility and court reporter to extend the hearing until **XX p.m.** However, we will need to give the court reporter a break. So we will be taking a 10 minute recess at the mid-point of this hearing.

.....

**[if all testimony is taken and time remains]** “We have called all of the names of registered speakers. If there is anyone else who would like to speak this evening, PLEASE REGISTER AT THE REGISTRATION TABLE and we will call you to the microphone in a few minutes.”

**[if no additional speakers]** “We have no additional speakers; however the hearing will remain open until **XX p.m.** We will take a recess until we register additional speakers. Please take advantage of this opportunity to visit with our staff and managers. **[to the reporter]** We are off the record.”

.....

**[Always reconvene the hearing after ensuring reporter, manager, and AV tech are in place and by saying to the reporter]** “We are on the record.” ]



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**END OF CONDITIONAL STATEMENTS**